

**UNITED STATES OF AMERICA  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

# IMAD HERMEZ

Plaintiff,

Case No2:06 CV 12543  
Hon. Lawrence Zatkoff

 $V_{S-}$ 

**BALLY TOTAL FITNESS CORPORATION,**  
a Delaware Corporation

Defendant.

LORELLI & MILOSEVICH  
By: Vincent Lorelli (P-47007)  
Attorney for Plaintiff  
7031 Orchard Lake Rd, Ste 302  
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(248) 538-9696

Paul Koczur  
Attorney for Defendant  
1000 First National Building  
Detroit, MI 48226-35112  
313-964-0110

**STIPULATED ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

At a session of said Court held in the City-of

Port Huron, County of St. Clair, on August 9, 2006

**Present:** Honorable LAWRENCE ZATKOFF  
U. S. District Court Judge

This matter having come before the Court on the parties' stipulation and the court being fully informed of the following:

1. That this matter is before this Court on the basis of diversity jurisdiction;
2. That the real defendant in interest as averred by the defendant is Bally's Total Fitness International, Inc which is a Michigan corporation;
3. That because the real defendant is a Michigan corporation, diversity jurisdiction is lacking,
4. That the parties have agreed to dismiss this action without prejudice based on the lack of diversity jurisdiction and
5. That it is the plaintiff's expressed intention of having the matter re-filed in state court,

**IT IS HEREBY ORDERED** that this matter be dismissed without prejudice based on the lack of diversity jurisdiction.

s/Lawrence P. Zatkoff  
Honorable Lawrence Zatkoff

*I hereby stipulate to the entry of this order:*

/s Vincent Lorelli

/s Paul Koczur